

CITY OF EDGEWOOD  
COUNCIL MEETING MINUTES  
September 19, 2005  
6:30 P.M.

**CALL TO ORDER** - Mayor Link called the meeting of the Edgewood City Council to order at 6:30 p.m. in council chambers of the Edgewood City Building. The following council members were present: Bill Grady, Mark Steffen, Scott Guenther, Jeff Schreiber, Ray Spears, Dale Henson and Nancy Atkinson. Also in attendance were City Administrator Roger Rolfes, City Attorney Frank Wichmann and City Clerk Jeanette Kemper.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** – No changes.

**APPROVAL OF MINUTES** – Mr. Guenther made a **motion** to adopt the August 29, 2005 minutes as written; seconded by Mr. Spears. Mr. Steffen abstained. **Motion passed: 6 ayes – 1 abstention.**

**REPORTS/PRESENTATIONS**

**Presentation of proclamation 2005-07 to Eagle Scout Andrew Lavey** – Mayor Link presented a proclamation to Andrew Lavey, Troop 717, for achieving the Eagle Scout status.

**Presentation to the Fire Department** – the fire department's 4<sup>th</sup> of July float was tied for 1<sup>st</sup> place along with the city's adopted unit from Ft. Polk, LA but only one award was available at the ceremony; therefore another plaque was made and presented to the Fire Department for the Mayor's Award for their hard work on their 50<sup>th</sup> anniversary float.

**Mayor's Report** – the Mayor's Golf Outing was a great success; thanked those who attended the NKADD annual dinner; Mayor Link and Mr. Rolfes were guests at a luncheon with Mayor Jerry Abramson, City of Louisville, where they discussed relationships with cities and their residents; thanked Mr. Rolfes for his efforts and working to Geoff Davis in obtaining a \$91,000 FEMA grant.

**Administrator's Report** – Mr. Rolfes received a stage II development plan for a hospice building at St. Elizabeth on 4.9 acres; it will fit into the existing zoning. He distributed information to council on storm water management.

Mr. Steffen recognized and congratulated Mr. Rolfes for being the most senior active credentialed City Manager in the state.

**Staff Reports** – Council reviewed reports from the following staff members: City Administrator, City Clerk, EMS/Fire, General Services, Police, Properties, and Recreation.

**CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA**

None

**UNFINISHED BUSINESS**

**Facilities Update** – Mr. Rolfes stated the brickwork should be completed this week; the roof should be completed by the end of October. Rear driveway was poured last week. Hope to move some landscaping before it gets cold. Mr. Rolfes asked council to think about what kind of memento they would like to see distributed at the open house, which will take place next spring. Mr. Rolfes would like to have index cards at the open house and have visitors write messages to be put in the time capsule to be opened in 50 years. The time capsule will go in behind the building plaque. Completion date is December 30<sup>th</sup>. Mr. Henson asked Mr. Rolfes to clarify the record regarding a rumor that the building is \$1 million over budget. Mr. Rolfes stated that figures will be updated soon on the website; the project is \$34,000 under the authorized limit council set forth for the building. The city is working off of 1% of contingency funds when normally most projects work off of 5-10%. Mr. Schreiber would like to have a

discussion on the plans for the current city building. Mr. Rolfes said we'd have to discuss it because there is no authorization or funding. If the building is razed the city could add some pervious parking, a small pocket park and landscaping around the perimeter. If the city keeps the building it will need significant repairs.

Mayor Link suggested having the open house at two different times. One during the day for businesses and one in the evening or on the weekend for residents.

**Discussion on all-terrain vehicles (ATV)** – Mr. Grady stated that he is not favor of registration; he believes the drafted ordinance is a good place to start; he believes the “vehicle types” section of the ordinance could possibly include dirt bikes which he doesn't want; would like to limit a lot size to one acre; and then he agrees with section 2.5 which refers to speed and suggested that someone should throttle down to maintain a forward speed if they are within 150 feet of a dwelling.

Mr. Steffen asked if there was a consensus to have an ordinance. Mr. Henson said he has not changed his position on trespassing and noise, and believes the city can amend the noise ordinance to cover these issues therefore he is not in favor of a new ordinance at this time. Mrs. Atkinson stated she is not in favor of a separate ordinance; that would just tell people how they could use their property. Mr. Schreiver isn't for it or against it yet, he wants to hear all the information. He doesn't have a problem with someone riding in his or her backyard but once it is in the front yard it's a nuisance. Mr. Steffen said if we do have an ATV ordinance the city should have something in it as described in the drafted ordinance described as a “no-wake zone”, he's not sure about setting an acreage limit, he's not in favor of registration, and he is in favor of stating they must have the original muffler provided by the manufacturer.

Mr. Spears asked Chief Kramer about the enforceability of the noise ordinance. Chief Kramer stated that the police will have to witness the violation or the complainant will have to file charges against the violator. He further suggested that council incorporate changes in the nuisance ordinance and not the noise ordinance. Mr. Spears is in favor of requiring a one-acre lot size requirement. Chief Kramer stated there have only been a few complaints on ATV's. Mr. Spears was advised by an insurance agent that most homeowner policies state that if you operate an ATV on your property most policies will cover it for service, if you use it for recreational use you have to declare that and get a separate endorsement, if you ride it on someone else's property you won't be covered unless you have the separate endorsement on that vehicle. Mr. Grady would like to see added any speed in excess of the minimum speed required to maintain forward motion if you live within a certain number of feet of another residence. Mr. Henson and Mr. Schreiver agree with that provision. Mrs. Atkinson is in favor of the muffler system and setting a speed limit. Mr. Guenther is in favor of regulating them in some fashion but not with an ATV specific ordinance, not in favor of registration, and they should be allowed for non-recreational purposes such as cleaning driveways. Mr. Steffen agreed and stated to incorporate those regulations into the nuisance ordinance. Mr. Wichmann said he would revise the nuisance ordinance by adding the issues as stated above and bring back to the next meeting.

Mr. Schreiver stated he would like to also change in the nuisance ordinance the 30 day provision that allows someone to cut their grass after being advised by NKAPC; 30 days is to long and wants to change it to seven days from the time they receive the warning; council agreed.

Tom Schutzman, 567 Village Drive, owns 9 acres and stated that an ordinance is not necessary, this is a dispute between neighbors and further stated that the 150 feet provision is unreasonable.

Norbert Meyer, 3118 Locust Hollow, stated that council has wasted too much time on this issue.

## **NEW BUSINESS**

**Approval of Summit Fire Apparatus invoice for aerial** – Mr. Guenther made a **motion** to approve the swivel repairs to the aerial truck from Summit Fire Apparatus up to a cost of \$10,000 because the purchase/repair is in the best interest of the public and the city due to the fact that Summit is able to execute the repairs; seconded by Mr. Steffen. **Motion passed: 7 ayes – 0 nays.**

## **ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS**

**Proclamation 2005-05 proclaiming Health South National Rehabilitation Week** – Mayor Link read the proclamation.

**Resolution 2005-05 adoption of the mandatory distribution amendment to the City of Edgewood Employee Retirement and Security Plan** – Mr. Guenther made a **motion** to adopt resolution 2005-05; seconded by Mrs. Atkinson. **Motion passed: 7 ayes – 0 nays.**

**Resolution 2005-07 opposing senate bill 1504 “Broadband Investment and Consumer Choice Act”** – Mr. Rolfes stated if this bill passes cities’ may lose their cable tv franchise fees as well as their public access channels. Mr. Guenther spoke to other people who stated that this would eliminate the 5% franchise fee and it might allow for some competition in the cable distribution system, which may be a good thing, if council has to vote on it tonight, he will vote no because he doesn’t know enough about the legislation to vote in favor of it. Mr. Schreiver said he would abstain because he doesn’t know enough about it. Mr. Rolfes stated that it is the kind of bill that says you either want local control over the cable franchises or you do not. If the bill passes the city may have to pay the cable provider to televise our council meetings. Mr. Henson said that public access is very important and he does not want to turn over the city’s right-of-ways to the state or federal government, he’ll vote yes. Mr. Henson made a **motion** to adopt resolution 2005-07; seconded by Mr. Steffen. Mr. Schreiver abstained. Mr. Spears voted yes but stated he can appreciate caution voiced by others. Mr. Guenther voted nay. **Motion passed: 5 ayes – 1 abstention – 1 nay.**

**Resolution 2005-08 authorizing match of funds of 5%, \$4,822.00, for fire department FEMA grant** – Mr. Grady made a **motion** to adopt resolution 2005-08; seconded by Mr. Guenther. **Motion passed: 7 ayes – 0 nays.**

## **ANNOUNCEMENTS**

- Proclamation 2005-06 was issued proclaiming National Suicide Prevention Week for the week of September 4-10.
- Play cards with the seniors at the Edgewood Senior Center every Tuesday at noon.
- The Fire/EMS department is encouraging residents to purchase the double-sided, green and white reflective house number signs to attach to their mailbox, cost is \$15.
- Edgewood Fall Festival – September 24 from 2 –10 p.m. and the 25<sup>th</sup> from 2 – 7 p.m. at Freedom Park.

## **ADJOURNMENT**

Mr. Henson made a **motion** to adjourn at 8:15p.m.; seconded by Mr. Spears. **Motion passed: 7 ayes – 0 nays.**

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Mayor John D. Link

Attest: \_\_\_\_\_  
Jeanette Kemper, City Clerk  
Date passed: \_\_\_\_\_